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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,212	06/20/2003	Richard D. Gillespie III	0001377USX	7310

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OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD, CT 06901

EXAMINER

MCCORKLE, MELISSA A

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,212

Applicant(s)

GILLESPIE, RICHARD D.

Examiner

Melissa A. McCorkle

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 9, 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 9, 13-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/15/03 + 6/2/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Preliminary Amendment

The preliminary amendment filed 6/20/2003 has been entered.

Claim Objections

1. Claim 2 is objected to because of the following informalities: As per the preliminary amendment, claim 1 was cancelled, therefor claim 2 depends from a cancelled claim. Appropriate correction is required.
2. For the purposes of this action, it will be assumed that claim 2 depends from independent claim 13.
3. Please provide a complete marked up copy of all the claims with response to this action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2, 9, 13-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Bechtold et al (6,241,709.)

1. Bechtold et al discloses an injection apparatus comprising a first chamber 12 containing a medicine, a plunger 23 cooperating with said first chamber, said plunger having a first engaging member defined thereon, a needle in fluid communication with said first chamber, a coupling [fig 1] having a second engaging member defined in an inner periphery, said first and second engaging members being releasably engaged to one another [fig 1-4]; and a first spring 11 acting on said coupling to urge plunger in a first direction until said coupling contacts a surface, further comprising a spring-to-plunger coupling engaging the plunger shaft and the driver spring, and a splitter attached to the housing distally to the spring-to-plunger coupling, the splitter attached to the housing distally to the spring to plunger coupling [fig 1], the splitter further having a surface for engaging the spring-to-plunger coupling and forcing the spring-to-plunger coupling to disengage from the plunger shaft, thereby disengaging the driver spring from the syringe assembly [fig 1-2]; wherein said surface causes said second engaging member to move away from said plunger so that said first and second engaging members are released from one another; wherein said first chamber and said needle are movably disposed in a housing; further comprising a second spring 26 for urging said first chamber and said needle in a second direction, said second spring being weaker than said first spring; wherein said second spring moves said first chamber and said needle in said second direction once said first and second engaging members are released from one another [fig 1-4]; further comprising a damper pad [elastic deformable parts, col 6 lines 45-50] disposed between said housing and said first

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chamber so that an impact of said first chamber with said housing is dampened; a surface being defined in said housing for moving said coupling from said closed position to said open position after said plunger forces said medicine from said first chamber through said needle [fig 9A]; wherein said surface slopes radially away from said plunger [fig 1]4]; wherein first engaging member is a groove defined on said plunger and said second engaging member is a lip defined on said coupling, wherein said groove is circumferentially defined on said plunger and said lip is circumferentially defined on an inner face of said coupling; wherein said coupling further comprises a plurality of openable portions having second engaging members thereon, wherein said first spring drives said plurality of openable portions [fig 5] over said surface to open said portions until said first and second engaging members disengage; further comprising means for releasably securing said syringe assembly in said retracted position [see columns 5-18.]

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kovelman et al (5,820,602); Sadowski et al (5,820,602); Chanoch (5,688,251); Pawelka (5,584,815); van der Wal (4,820,286); Bendek et al (5,921,966); and Rex et al (4,592,745).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa A. McCorkle whose telephone number is (571) 272-2773. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NICHOLAS D. LUCCHESI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Melissa A McCorkle
Examiner
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